

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL UNION NO. 380)
HEALTH & WELFARE PLAN, *et al.*)

Plaintiffs,)

v.)

MCGUIRE ELECTRICAL CONTRACTING, INC.)

Defendant.)

CIVIL ACTION NO:
2:07-cv-05205 (CMR)

FILED

FEB 25 2008

MICHAEL E. KUNZ, Clerk

By _____ Dep. Clerk

CONSENT ORDER AND JUDGMENT

Upon agreement of the parties, the International Brotherhood of Electrical Workers Local Union No. 380 Benefit Funds ("Funds") and McGuire Electrical Contracting, Inc. ("McGuire" or "Company"), hereby stipulate to entry of judgment in favor of the Funds and against McGuire as set forth herein:

WHEREFORE, this 25th day of February 2008, judgment is hereby entered in favor of the Funds and against McGuire and it is ORDERED by the Court that:

1. This Consent Order and Judgment is entered pursuant to the terms of the Amended Settlement Agreement ("Amended Agreement") between the Funds and McGuire and all the terms and conditions of that Amended Agreement are incorporated herein as if fully restated.

2. Judgment in the total sum of **\$100,972.67** is entered in favor of the Funds against McGuire. This amount includes the following:

Balance of March 9, 2007 Settlement	\$33,191.76
Late Fee (10/1/07 installment)	\$ 166.25
Post Settlement	
Contributions	\$47,714.66
Interest (3/1/08)	\$ 2,352.15
Liquidated Damages	\$ 9,844.71

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JOINT STIPULATION FOR ENTRY OF CONSENT ORDER AND JUDGMENT

It is stipulated and agreed by the undersigned that the attached proposed Consent Order and Judgment may be entered without further notice or hearing.

For The Funds

For McGuire Electrical Contracting, Inc.

BY:



ELIZABETH A. COLEMAN, ESQUIRE
JENNINGS SIGMOND P.C.
510 Walnut Street
16th Floor
Philadelphia, PA 19106
E-mail: ecoleman@jslex.com
Tele: (215) 351-0644
Fax: (215) 922-3524

Attorney for Plaintiffs

BY:



MATTHEW R. NAHRGANG, ESQUIRE
35 Evansburg Road
Collegeville, PA 19426
E-mail: mnahrgang@verizon.net
Tele: (610) 489-3041
Fax: (610) 489-3042

Attorney for Defendant

Attorneys' Fees (2/12/08)

\$ 7,703.14**TOTAL DEBT****\$100,972.67**

3. Within twenty (20) days of the entry of this Order, McGuire shall fully and accurately complete and submit to the Funds any and all then outstanding remittance reports with all required information including the name and social security number of each employee, the hours worked, wages paid and contributions owed for that month together with a check for the full amount of the contributions owed.

4. McGuire shall submit to an audit of its wage, payroll, and personnel records for all periods for which McGuire is obligated to contribute to the Funds within twenty (20) days of a request by the Funds, and McGuire shall pay all contributions, interest, and liquidated damages determined from such audit to be due, as well as the costs of such audit.

7. McGuire shall pay to the Funds any additional reasonable attorneys' fees and costs incurred thereafter in connection with this case to enforce and collect this judgment. If any such further action by the Funds is required, they may apply to this Court or to the court in which enforcement is sought for further reasonable attorneys' fees and costs in addition to those set out in ¶1 above. See, Trucking Employees of North Jersey Welfare Fund, Inc. v. Bellezza Co., 57 Fed. Appx. 972 (3d Cir. 2003).

8. Because of McGuire's persistent failure to meet its reporting and payment obligations to the Funds under the terms of the collective bargaining agreements, McGuire, its officers, agents, servants, employees, attorneys, and all persons acting on McGuire's behalf or in conjunction with it shall be and hereby are restrained and enjoined from refusing to file complete, proper and timely remittance reports with accompanying contributions for all periods

for which McGuire is obligated to do so under the current and any future collective bargaining agreement(s) to which it is bound.

9. This Consent Order and Judgment is subject to execution in any court of competent jurisdiction, and any and all terms of this Consent Order and Judgment may be enforced by the Funds in any court of competent jurisdiction

10. If McGuire fails to comply with any of the terms of this Consent Order and Judgment, the Funds may, in addition to pursuing the remedies provided under Federal Rule of Civil Procedure 69, reopen this case upon motion to this Court and notice to McGuire, and may at that time ask for further appropriate monetary and/or injunctive relief.

11. This Consent Order and Judgment is enforceable by the Funds individually, singly or jointly, or by their agent.

12. The Clerk of the Court may immediately certify this Consent Order and Judgment for transfer to other jurisdictions upon the request of the Funds and payment of any required fee.

BY THE COURT:

Date: February 25, 2008

By: Cynthia M. Rufe
Cynthia M. Rufe J.
United States District Judge